

**GROUND WATER MANAGEMENT COMMISSION
SECOND MEETING SUMMARY
August 20, 2001**

**Prepared by:
Department of Natural Resources
Office of Conservation
Ground Water Management Staff
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SUMMARY

Scope of Work Discussion

After introductions, the Commission began with the first order of business. Mr. Duplechin, Chief of Staff of the Ground Water Management Commission (Commission), read into the record the revised scope of work for the Commission to discuss.

Commissioner Zaunbrecher, representing the Farm Bureau, inquired about provisions for interaction between the Task Force, the Commission, and the contractor. The scope was amended to say that the Commission could initiate briefings with the contractor.

Commissioner Namwamba, representing Southern University, inquired about feedback from the Commission on ongoing work. Commissioner Gautreaux, representing the Governors Office, stated that drafts would be presented to the Commission for their review and comment.

Commissioner Durrett, representing the Sparta Groundwater Conservation Commission (Sparta Commission), said that they have already done some of the work. Commissioner Gautreaux said that the Sparta Commission would be used as a resource for the consultant.

Commissioner Bahr, representing the Governors Office on Coastal Affairs, inquired about what provisions were made to emphasize the sensitivities of estuaries to surface water. Mr. Duplechin pointed out that on page three under surface water use, a statement was added “and that natural resources dependent on that surface water.” Commissioner Bahr agreed that this statement was adequate.

Commissioner Spicer, representing the Department of Agriculture and Forestry, inquired if the Commission was requesting recommendations of how to address legal issues or is the Commission just asking the contractor to identify the legal issues. Commissioner Asprodites, representing the Office of Conservation, stated that if the Commission was to address the legal issues that would involve attorneys and there was not enough money in the budget to allow for addressing legal issues in detail. It should be enough for the consultant to identify the legal issues and then the Commission should proceed from there.

Advisory Task Force Comments on the Scope of Work

No comments.

Commission Vote on the Scope of Work

Voice vote is taken and the scope of work was approved.

Emergency Rule Discussion

Mr. Duplechin reviewed the changes and comments made since the last Commission meeting.

Commissioner Roussel, representing the Department of Wildlife and Fisheries, inquired as to why the definition of “beneficial use” was different from the Act to the Rules. Mr. Duplechin said the definition came from the definition in the Capitol Area Ground Water Conservation District. Commissioner Roussel suggested that stay with the definition in the statute. Commissioner Asprodites stated that the change was a result of comments that suggested that the definition was not as clear in the statute as it should have been. The intent of the change was to catch everything nobody thought of.

Commissioner Durrett wanted clarification about the hearing process in a multi-parish aquifer problem and whether a hearing was necessary in each parish. Mr. Duplechin said yes, meetings would be held in each parish.

Mr. Mike Killeen, Director Geological Oil and Gas Division of the Office of Conservation, discussed the maps the Commission would required and suggested that the Commission utilize USGS and DOTD maps that are readily available throughout the state. Mr. Killeen added that the staff is working with DNR and Department of Environmental Quality (DEQ) with the goal of ensuring that everything is consistent and it is fully supported.

Advisory Task Force Comments on Emergency Rules

Mr. Graham, representing the Louisiana Chemical Association, suggested that the definitions in the statute should take precedent but added that if the Commission feels the need to make interpretations at a latter date, then perhaps the Commission can. Mr. Graham also wanted confirmation that in a multi-parish application that a hearing would be held in every parish. Mr. Duplechin informed him that every parish would have a hearing.

Mr. Levine, representing the Association of Public Utilities, discussed concerns with the addition of the language in the definition of groundwater emergency “or the likelihood of excessive pumping” stating that the language is to open and that the words “likelihood” and “excessive” have no inherent definitions of their own. Ms. Su King, with the House Natural Resources Committee, explained that the intent was to imply that all three items in that definition would be a result of the natural force or manmade act. Mr. Levine also suggested that the word “depletion” could use modification because any water use will deplete the aquifer. Commissioner Gautreaux recommended a change in the definition to read “any of which has or may occur as a result of a natural force or manmade act.”

Mr. Hanson, representing the Louisiana Geological Survey (LGS), suggested that it be made clear that a groundwater emergency does not have to meet all three criteria. Commissioner Gautreaux stated that the word “or” should act as a separator.

Commission Vote on the Emergency Rules

A voice vote is taken and the emergency rules were approved.

New Business

Mr. Duplechin introduced definitions of the “domestic well” and “replacement well”. In addition several other types of wells were recommended for the Commission to consider for a 60-day waiver for just cause. The well types are rig supply, dewatering well, wells used for potable supply but not connected to public supply, and pump and treat wells.

Commissioner Spicer expressed some concern over the definition that include pets and not livestock. Other discussions included putting restraints on pumping rates and classifying wells based on the number of livestock that was utilizing the water.

Commissioner Gautreaux recommended that the Commission continue to give input between now and the next meeting when the proposal will be reviewed again.

There were no Advisory Task Force Member comments.

Set next meeting time. September 17, 2001 at 0930.